

Application No.: 09/993,996

Docket No.: 65857-0037

REMARKS

Applicants have carefully reviewed the Office Action mailed February 23, 2005. In response to the Office Action, Applicants have amended claims 30 and 35, and added new claim 36. By way of this amendment, no new matter has been added. Accordingly, claims 30-36 remain pending in this application. Applicants respectfully request reconsideration of the present application in view of the above amendment and the following remarks.

Claim Rejections – 35 U.S.C. § 102

Claims 30-35 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,513,882, *Lewis*. Applicants respectfully traverse the rejection.

To anticipate a claim, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The Examiner points to Lewis as teaching "the wedge clamping device selectively abuts the first connecting element face (20) against a first defining face." (numeral added) In contrast, independent claims 30 and 35 positively recite that the "first connecting face is generally parallel to said first defining face." Lewis does not teach that the leading edge 20 may be generally parallel to the shoulder 16. Indeed, Lewis does not teach any surfaces that are generally parallel to the leading edges 20.

Dependent claims 31-34 are also patentable by being dependent on an allowable base claim. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Lewis* in view of U.S. Patent 1,019,000, *Watson*. Applicants respectfully traverse the rejection.

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The fact that the claimed invention is within the capabilities of one of ordinary skill in the art is not sufficient by itself to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993).

The Examiner states that it "would have been obvious to one having ordinary skill in the art at the time that the invention was made to provide a second defining face tha defines a second face of the wedge receiving opening, wherein the first defining face is at a non-parallel angle with respect to the second defining face; and the non-parallel angle between the first defining face and the second defining face being substantially the same as an angle between the first connecting element and the flange face, since a change in the shape of a prior art device is a design consideration within the skill of the art." This statement, even if true, does not provide the requisite objective reason for combining Lewis and Watson.

Applicants also traverse the 103(a) rejections because there is no suggestion, motivation, or objective reason to combine the cited references. "If identification of each claimed element in the prior art were sufficient to negate patentability, very few patents would ever issue." *In re Rouffet*, 149 F.3d 1350, 1357, 47 USPQ2d 1453 at 1457 (Fed Cir. 1998). "Rejecting patents solely by finding prior art corollaries for the claimed elements would permit an examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention. Such an approach would be 'an illogical and inappropriate process by which to determine patentability'." *Id.* quoting *Sensonics, Inc. v. Aerosonic Corp.*, 81 F.3d 1566, 1570, 38 USPQ2d 1551, 1554 (Fed. Cir. 1996).

In regard to claim 33, the Examiner proposes modifying Lewis by replacing the apertures 17 with the wedge receiving ways 3 of Watson. However, neither Lewis nor Watson provide the requisite motivation for the proposed modification. Lewis teaches a pipe connector that is complete within itself to seal two pipes adequately for the application of Lewis. Watson, likewise, teaches a pipe connector that is not lacking in order to connect the pipes for the purposes of Watson.

Lewis lacks any mention of a wedge receiving opening with faces at a non-parallel angle. Lewis fails to recognize that such an opening can provide a pipe connector that tightens a

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planar sealing face of a flange against a receptacle more as a clip 18 is inserted into apertures 17. The passage in Lewis from Column 5, line 55 to column 6, line 50 provides a discussion of the multiple variables that determine seal compression rate, arguably teaching away from the present invention where a single variable (the axial depth of the recess for sealing element 19) determines the compression rate of a given sealing element.

Watson is lacking in that there is no recognition that the wedge receiving ways 3 may be provided on other connectors. Additionally, neither Lewis nor Watson direct one toward a wedge-shaped opening to tighten the connection of Lewis.

In regard to claim 34, the Examiner proposes modifying Lewis by replacing the clip 18 with the wedge of Watson. As mentioned above, both Lewis and Watson teach pipe connectors that are adequate within their teachings. Also, neither Lewis or Watson direct one toward a wedge to tighten the connection of Lewis. Similarly, neither Watson or Lewis provide a motivation to modify Watson.

New Claim 36

New claim 36 contains the limitation "wherein the wedge-clamping device selectively abuts the first connecting element face against a first defining face of the wedge receiving opening in the first connecting element *when in an assembled state*." (Emphasis added). Support for this limitation can be found, for example, in FIG. 1, paragraphs [00023] and [00052] and paragraph [00057], 5th sentence. The prior art of record does not contain this limitation. Specifically, the leading edges 20 in Lewis do not contact the shoulder 16 when the device of Lewis is in an assembled state. (See FIG. 3C, and column 5, lines 49-55).

Conclusion

In view of the above amendment and remarks, the pending application is in condition for allowance. If, however, there are any outstanding issues that can be resolved by telephone conference, the Examiner is earnestly encouraged to telephone the undersigned representative.

It is believed that any additional fees due with respect to this paper have already been identified in any transmittal accompanying this paper. However, if any additional fees are

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required in connection with the filing of this paper that are not identified in any accompanying transmittal, permission is given to charge our Deposit Account No. 18-0013, under Order No. 65857-0037 from which the undersigned is authorized to draw.

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Respectfully submitted,

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